

1 THE HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

8 JAMES HEALY, on behalf of himself and all
9 others similarly situated,

10 Plaintiff,

11 vs.

12 MILLIMAN, INC., d/b/a INTELLISCIPT,

13 Defendant.

Case No. 2:20-cv-01473-JCC

**STIPULATED MOTION AND [PROPOSED]
ORDER TO MODIFY CLASS DEFINITIONS**

**NOTE ON MOTION CALENDAR:
JULY 29, 2022**

15
16 The parties have agreed to modify the class definitions and jointly present this
17 stipulated motion (Dkt. No. 138) for the Court's approval. In support of the motion, the parties
18 state:

- 19 1. On April 29, 2022 the Court certified the following classes (Dkt. No. 126):

20 1681e(b) Inaccuracy Class: All persons residing in the United States
21 (including all territories and other political subdivisions of the
United States), beginning five years prior to the filing of this
Complaint and continuing through the resolution of this action,
about whom Defendant sold a report to a third party containing
one or more items of information which did not pertain to the
individual who was the subject of the report.

24 1681i Failure to Properly Reinvestigate Class: All persons residing
25 in the United States (including all territories and other political
subdivisions of the United States), beginning five years prior to the
filing of this Complaint and continuing through the resolution of
this action, who disputed the completeness and/or accuracy of one
or more items of information on an Intelliscript report for whom

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1 Defendant responded with form/template communication
2 substantially in the form of MM_HEALY000315.

3 2. The parties seek to modify the class definitions so that the class period contains
4 a specific beginning and end date. *See Sampson v. Knight Trans., Inc.*, No. C17-0028-JCC, 2021
5 WL 2255129, at *2 (W.D. Wash. June 3, 2021) (modifying class definition to set a specific end
6 date). Modifying the definitions in this manner will avoid a second notice to individuals who
7 become class members after the initial notice goes out. *See id.*

8 3. The parties propose the following modified class definitions:

9 **1681e(b) Inaccuracy Class:** All persons residing in the United States
10 (including all territories and other political subdivisions of the
11 United States), beginning **October 5, 2015 and continuing through**
12 **April 29, 2022** ~~five years prior to the filing of this Complaint and~~
13 ~~continuing through the resolution of this action~~, about whom
14 Defendant sold a report to a third party containing one or more
15 items of information which did not pertain to the individual who
16 was the subject of the report.

17 **1681i Failure to Properly Reinvestigate Class:** All persons residing
18 in the United States (including all territories and other political
19 subdivisions of the United States), beginning **October 5, 2015 and**
20 ~~**continuing through April 29, 2022** ~~five years prior to the filing of this~~~~
21 ~~**Complaint and continuing through the resolution of this action**~~,
22 who disputed the completeness and/or accuracy of one or more
23 items of information on an Intelliscript report for whom Defendant
24 responded with form/template communication substantially in the
25 form of MM_HEALY000315.

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31 STIPULATED MOTION AND [PROPOSED] ORDER TO
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2 STIPULATED AND DATED this 29th day of July, 2022.
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27 STIPULATED MOTION AND [PROPOSED] ORDER TO
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1
2 PROPOSED ORDER
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4 The parties' stipulated motion to modify the class definitions is granted. The Court's
5 April 29, 2022 Order is modified, and the certified classes will be defined as follows:
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7 1681e(b) Inaccuracy Class: All persons residing in the United States
8 (including all territories and other political subdivisions of the
United States), beginning October 5, 2015 and continuing through
April 29, 2022, about whom Defendant sold a report to a third party
9 containing one or more items of information which did not pertain
to the individual who was the subject of the report.

10 1681i Failure to Properly Reinvestigate Class: All persons residing
11 in the United States (including all territories and other political
12 subdivisions of the United States), beginning October 5, 2015 and
continuing through April 29, 2022, who disputed the completeness
13 and/or accuracy of one or more items of information on an
Intelliscript report for whom Defendant responded with
14 form/template communication substantially in the form of
MM_HEALY000315.
15

16 IT IS SO ORDERED.
17

18 DATED this 29th day of July 2022.
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21 John C. Coughenour
22 UNITED STATES DISTRICT JUDGE
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27 STIPULATED MOTION AND [PROPOSED] ORDER TO
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